

§ 121.583

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speaker for occupancy by the Administrator while conducting en route inspections.

[Doc. No. 6258, 29 FR 19219, Dec. 31, 1964, as amended by Amdt. 121–144, 43 FR 22648, May 25, 1978; Amdt. 121–251, 60 FR 65935, Dec. 20, 1995; Amdt. 121–288, 67 FR 2128, Jan. 15, 2002]

§ 121.583 Carriage of persons without compliance with the passenger-carrying requirements of this part.

(a) When authorized by the certificate holder, the following persons, but no others, may be carried aboard an airplane without complying with the passenger-carrying airplane requirements in §§ 121.309(f), 121.310, 121.391, 121.571, and 121.587; the passenger-carrying operation requirements in §§ 121.157(c) and 121.291; and the requirements pertaining to passengers in §§ 121.285, 121.313(f), 121.317, 121.547, and 121.573:

- (1) A crewmember.
- (2) A company employee.
- (3) An FAA air carrier inspector, a DOD commercial air carrier evaluator, or an authorized representative of the National Transportation Safety Board, who is performing official duties.
- (4) A person necessary for—
 - (i) The safety of the flight;
 - (ii) The safe handling of animals;
 - (iii) The safe handling of hazardous materials whose carriage is governed by regulations in 49 CFR part 175;
 - (iv) The security of valuable or confidential cargo;
 - (v) The preservation of fragile or perishable cargo;
 - (vi) Experiments on, or testing of, cargo containers or cargo handling devices;
 - (vii) The operation of special equipment for loading or unloading cargo; and
 - (viii) The loading or unloading of outsize cargo.
- (5) A person described in paragraph (a)(4) of this section, when traveling to or from his assignment.
- (6) A person performing duty as an honor guard accompanying a shipment made by or under the authority of the United States.
- (7) A military courier, military route supervisor, military cargo contract coordinator, or a flight crewmember of another military cargo contract air

carrier or commercial operator, carried by a military cargo contract air carrier or commercial operator in operations under a military cargo contract, if that carriage is specifically authorized by the appropriate armed forces.

(8) A dependent of an employee of the certificate holder when traveling with the employee on company business to or from outlying stations not served by adequate regular passenger flights.

(b) No certificate holder may operate an airplane carrying a person covered by paragraph (a) of this section unless—

(1) Each person has unobstructed access from his seat to the pilot compartment or to a regular or emergency exit;

(2) The pilot in command has a means of notifying each person when smoking is prohibited and when safety belts must be fastened; and

(3) The airplane has an approved seat with an approved safety belt for each person. The seat must be located so that the occupant is not in any position to interfere with the flight crewmembers performing their duties.

(c) Before each takeoff, each certificate holder operating an airplane carrying persons covered by paragraph (a) of this section shall ensure that all such persons have been orally briefed by the appropriate crewmember on—

- (1) Smoking;
- (2) The use of seat belts;
- (3) The location and operation of emergency exits;
- (4) The use of oxygen and emergency oxygen equipment; and
- (5) For extended overwater operations, the location of life rafts, and the location and operation of life preservers including a demonstration of the method of donning and inflating a life preserver.

(d) Each certificate holder operating an airplane carrying persons covered by paragraph (a) of this section shall incorporate procedures for the safe carriage of such persons into the certificate holder's operations manual.

(e) The pilot in command may authorize a person covered by paragraph

(a) of this section to be admitted to the crew compartment of the airplane.

[Doc. No. 10580, 35 FR 14612, Sept. 18, 1970, as amended by Amdt. 121-96, 37 FR 19608, Sept. 21, 1972; Amdt. 121-159, 45 FR 41594, June 19, 1980; Amdt. 121-232, 57 FR 48663, Oct. 27, 1992; Amdt. 121-251, 60 FR 65935, Dec. 20, 1995; Amdt. 121-253, 61 FR 2614, Jan. 26, 1996; Amdt. 121-298, 68 FR 41217, July 10, 2003]

§ 121.585 Exit seating.

(a)(1) Each certificate holder shall determine, to the extent necessary to perform the applicable functions of paragraph (d) of this section, the suitability of each person it permits to occupy an exit seat, in accordance with this section. For the purpose of this section—

(i) *Exit seat* means—

(A) Each seat having direct access to an exit; and,

(B) Each seat in a row of seats through which passengers would have to pass to gain access to an exit, from the first seat inboard of the exit to the first aisle inboard of the exit.

(ii) A passenger seat having “direct access” means a seat from which a passenger can proceed directly to the exit without entering an aisle or passing around an obstruction.

(2) Each certificate holder shall make the passenger exit seating determinations required by this paragraph in a non-discriminatory manner consistent with the requirements of this section, by persons designated in the certificate holder’s required operations manual.

(3) Each certificate holder shall designate the exit seats for each passenger seating configuration in its fleet in accordance with the definitions in this paragraph and submit those designations for approval as part of the procedures required to be submitted for approval under paragraphs (n) and (p) of this section.

(b) No certificate holder may seat a person in a seat affected by this section if the certificate holder determines that it is likely that the person would be unable to perform one or more of the applicable functions listed in paragraph (d) of this section because—

(1) The person lacks sufficient mobility, strength, or dexterity in both arms and hands, and both legs:

(i) To reach upward, sideways, and downward to the location of emergency exit and exit-slide operating mechanisms;

(ii) To grasp and push, pull, turn, or otherwise manipulate those mechanisms;

(iii) To push, shove, pull, or otherwise open emergency exits;

(iv) To lift out, hold, deposit on nearby seats, or maneuver over the seatbacks to the next row objects the size and weight of over-wing window exit doors;

(v) To remove obstructions similar in size and weight to over-wing exit doors;

(vi) To reach the emergency exit expeditiously;

(vii) To maintain balance while removing obstructions;

(viii) To exit expeditiously;

(ix) To stabilize an escape slide after deployment; or

(x) To assist others in getting off an escape slide;

(2) The person is less than 15 years of age or lacks the capacity to perform one or more of the applicable functions listed in paragraph (d) of this section without the assistance of an adult companion, parent, or other relative;

(3) The person lacks the ability to read and understand instructions required by this section and related to emergency evacuation provided by the certificate holder in printed or graphic form or the ability to understand oral crew commands.

(4) The person lacks sufficient visual capacity to perform one or more of the applicable functions in paragraph (d) of this section without the assistance of visual aids beyond contact lenses or eyeglasses;

(5) The person lacks sufficient aural capacity to hear and understand instructions shouted by flight attendants, without assistance beyond a hearing aid;

(6) The person lacks the ability adequately to impart information orally to other passengers; or,

(7) The person has:

(i) A condition or responsibilities, such as caring for small children, that might prevent the person from performing one or more of the applicable functions listed in paragraph (d) of this section; or